THE HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.12180 of 2005

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Dated:24.03.2006

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Between:

Smt.G.Vijaya Lakshmi.

…Petitioner

And

The District Collector, Hyderabad, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12180 of 2005

ORDER:

The petitioner alleges that her father purchased small extent of land admeasuring about 115 square yards in Survey No.28 situated in Diara Village, Banda

Maisamma Nagar, Lower Tank Bund, Hyderabad, in the name of her mother. A small RCC house was raised thereon. She alleges that on 25.04.2005, the second respondent informed that she will be evicted, and subsequently, on 27.04.2005, the second respondent on an allegation that the land belongs to the Government, forcibly evicted the petitioner, throwing all her household articles on the road. Therefore, the present Writ Petition is filed seeking a writ of mandamus declaring the action of the respondents in evicting the petitioner highhandedly without due process of law. She also seeks a consequential direction to the respondents to restore her possession. Along with the writ petition, the petitioner filed an interlocutory application, being W.P.M.P.No.15497 of 2005, for a relief, which is similar to the main relief.

The interlocutory application is coming before this Court for the last more than one year. On 10.03.2006, it was brought to the notice of this Court by the learned Assistant Government Pleader for Revenue (General) that the land is an escheat land covered by the provisions of the Andhra Pradesh Escheats and Bona Vacantia Act, 1974, and that the petitioner has already submitted an appeal to the Joint Collector, which is pending. This is not denied. Therefore, the matter was adjourned to enable both the Counsel to get instructions regarding the latest position.

Today it is brought to the notice of this Court that the objections/appeal filed by the petitioner is still pending before the Joint Collector. It is also brought to the notice of this Court that other persons, who are also claiming the same land in Survey No.28 situated in Diara Village, Banda Maisamma Nagar, Lower Tank Bund, Hyderabad, also filed objections. In this background, it would not be proper for this Court to further adjudicate the *lis*, and the interest of justice would be served by directing the Joint Collector to dispose of the matter within a period of four weeks from the date of receipt of a copy of this order. Pending such appeal, the Revenue authorities shall not allot the land to any other person.

The Writ Petition, with the above observations and directions, is disposed of. No costs.

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(V.V.S.RAO, J)

24.03.2006

vs